

EJ-130

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|---|--|---|--|---------------------------|--------------------------|--|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): Tracy L. Mainguy, CSB #176928 Weinberg, Roger & Rosenfeld 1001 Marina Village Pkwy, Ste. 200 Alameda, California 94501-1091 TELEPHONE NO.: 510-337-1001 FAX NO.: 510-337-1023 E-MAIL ADDRESS: tmainguy@unioncounsel.net ATTORNEY FOR (Name): Plaintiffs <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | FOR COURT USE ONLY | | | | | | | |
| USDC NORTHERN DISTRICT OF CALIFORNIA STREET ADDRESS: 450 Golden Gate Ave. MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: | CASE NUMBER: 3:15-cv-00411-WHA | | | | | | | |
| PLAINTIFF: The Board of Trustees, et al. DEFENDANT: Michael Heavey Construction, Inc. | | | | | | | | |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">WRIT OF</td> <td style="width: 15%;"> <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property </td> <td style="width: 15%;">Limited Civil Case</td> <td style="width: 15%;">Small Claims Case</td> </tr> <tr> <td></td> <td></td> <td><input checked="" type="checkbox"/> Unlimited Civil Case</td> <td><input type="checkbox"/> Other _____</td> </tr> </table> | | WRIT OF | <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property | Limited Civil Case | Small Claims Case | | | <input checked="" type="checkbox"/> Unlimited Civil Case |
| WRIT OF | <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property | Limited Civil Case | Small Claims Case | | | | | |
| | | <input checked="" type="checkbox"/> Unlimited Civil Case | <input type="checkbox"/> Other _____ | | | | | |

1. To the Sheriff or Marshal of the County of: San Francisco

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): See Attached

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity stated in judgment if not a natural person, and last known address):

Michael Heavey Construction, Inc.
2225 Ingalls Street
San Francisco, CA 94124

9. ☐ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

11. Total judgment \$ 217,587.23

12. Costs after judgment (per filed order or memo CCP 685.090) \$ 0.00

13. Subtotal (add 11 and 12) \$ 217,587.23

14. Credits \$ 0.00

15. Subtotal (subtract 14 from 13) \$ 217,587.23

16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) \$ 22.53

17. Fee for issuance of writ \$ 0.00

18. Total (add 15, 16, and 17) \$ 217,609.76

19. Levying officer:

(a) Add daily interest from date of writ

(at the legal rate on 15) (not on GC 6103.5 fees) of \$ 0.54

(b) Pay directly to court costs included in

11 and 17 (GC 6103.5, 68637; CCP 699.520(ii)) \$ 0.00

20. ☐ The amounts called for in items 11–19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

☐ Additional judgment debtors on next page

5. Judgment entered on (date): 12/8/2015

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ

a. ☒ has not been requested.

b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

(SEAL)

Issued on (date): **12-16-15**

Clerk, by

SUSAN Y. SOONG

Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION

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ORIGINAL

FAXED

EJ-130

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|--|-------------------|
| PLAINTIFF: The Board of Trustees, et al. | CASE NUMBER: |
| DEFENDANT: Michael Heavey Construction, Inc. | 3:15-cv-00411-WHA |

— Items continued from page 1—

21. ☐ **Additional judgment debtor** (name, type of legal entity stated in judgment if not a natural person, and last known address):

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22. ☐ **Notice of sale** has been requested by (name and address):

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23. ☐ **Joint debtor** was declared bound by the judgment (CCP 989–994)

a. on (date):

a. on (date):

b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:

b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:

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c. ☐ additional costs against certain joint debtors (itemize):

24. ☐ (*Writ of Possession or Writ of Sale*) **Judgment** was entered for the following:

a. ☐ Possession of real property: The complaint was filed on (date):

(Check (1) or (2)):

(1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.

The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ _____ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. ☐ Possession of personal property.☐ If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order.c. ☐ Sale of personal property.d. ☐ Sale of real property.

e. Description of property:

NOTICE TO PERSON SERVEDWRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

▶ A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

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| PETITIONER/PLAINTIFF: The Board of Trustees, et al. | CASE NUMBER: |
| RESPONDENT/DEFENDANT: Michael Heavey Construction, Inc. | 3:15-cv-00411-WHA |

Judgment Creditor (*name and address*):

The Board of Trustees, in their capacities as Trustees of the Laborers Health and Welfare Trust Fund for Northern California; Laborers Vacation-Holiday Trust Fund for Northern California; Laborers Pension Trust Fund for Northern California; and Laborers Training and Retraining Trust Fund for Northern California.

220 Campus Lane
Fairfield, CA 94534